

**PLANNING
STATEMENT
APPENDICES
6 & 7**

APPENDIX 6

Mr R Stileman
The Southern Co-operative
1000 Lakeside
Western Road
PORTSMOUTH
PO6 3FE



Enquiries to: Amanda Fincham
Direct line: 01730 234341
Email: amanda.fincham@havant.gov.uk

Date: 08 January 2016

Dear Mr Stileman

Hayling Billy PH, 117 Elm Grove, Hayling Island, PO11 9ED

Thank you for your letter. Hayling Billy PH is not registered as an asset of community value and, as of today's date, I am not aware of a pending nomination.

If you need any further information please contact me using the contact details at the head of this letter.

Yours Sincerely

Amanda Fincham
Corporate Support Manager

The co-operative

The Southern Co-operative

1000 Lakeside
Western Road
Portsmouth
Hants
PO6 3FE

21st December 2015

For Sat Nav use: PO6 3EN

Telephone: 02392 222 500
Facsimile: 02392 222 650
www.thesouthernco-operative.co.uk

Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

Dear Sir/Madam,

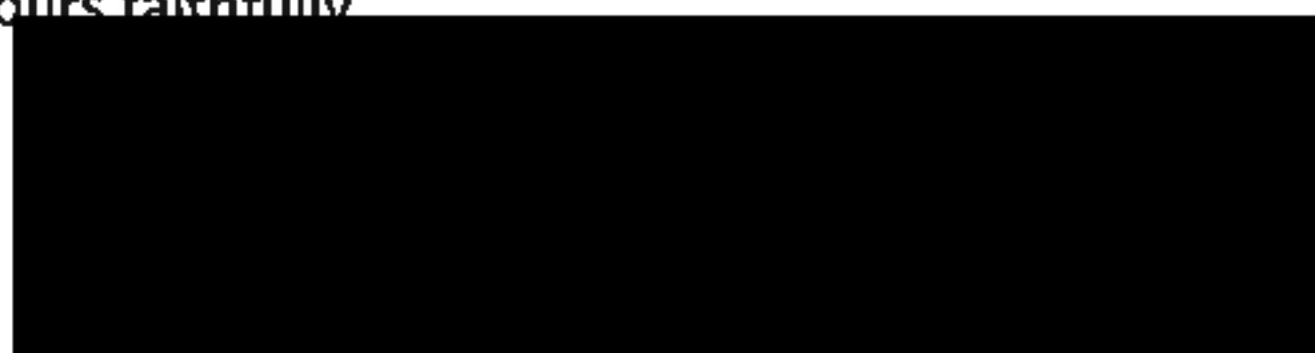
The Town and Country Planning (General Permitted Development) (England) Order 2015:
Schedule 2, Part 3, Class A

I would be grateful if you could advise me whether the building referred to below has been nominated as a community asset.

The full address of the building is the Hayling Billy PH, 117 Elm Grove, Hayling Island, PO11 9ED.

My contact address is The Southern Co-operative, 1000 Lakeside, Western Road, Portsmouth, PO6 3FE

Yours faithfully



Richard Stileman B.Sc FRICS
Head of Estates

APPENDIX 7

21/07/2014

APPLICATIONS RECOMMENDED FOR DECISION

BURSLEDON, HAMBLE-LE-RICE & HOUND Monday 21 July 2014
Case Officer Andy Grandfield

SITE: **The Harrier and neighbouring buildings, 68-72 Hamble Lane, Hamble-Le-Rice, Southampton, SO31 4JS**

Ref. F/14/74053 Received: 12/02/2014 (29/08/2014)

APPLICANT: McCarthy & Stone Retirement Lifestyles Ltd

PROPOSAL: **Demolition of existing buildings and redevelopment to form 26 retirement apartments for older persons including communal facilities and associated car parking and new vehicular access.**

AMENDMENTS: None

RECOMMENDATION:

Subject to (i) receipt of updated layout with provision of new pedestrian crossing and improved sight lines for no.66 Hamble Lane and improved boundary treatment with no. 66 Hamble Lane; (ii) an ecological statement on methodology for assessing the presence of reptiles on part of the site and bats within the existing PH; and (iii) completion of a section 106 legal agreement to secure contributions towards off-site affordable housing, community infrastructure, public open space and mitigation of the increased recreational pressure on the SPA.

PERMIT

CONDITIONS AND REASONS:

- (1) The development hereby permitted shall be implemented in accordance with the following plans numbered: PA01-1934-O1, PA01-1934-O 2, 3PA01-1934-O , 4PA01-1934-O , 5, 1006/01 Rev B, 034.0032.100P7. Reason: For the avoidance of doubt and in the interests of proper planning.

- (2) The development hereby permitted shall start no later than three years from the date of this decision. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- (3) The occupancy of the apartments hereby permitted shall be limited to i) persons aged 60 years or over; ii) persons aged 55 years or over and living as part of a single household with a person or persons aged 60 years or over; iii) persons who were living in one of the apartments hereby permitted as part of a single household with a person or persons aged 60 years or over who have since died. Reason: In order that there is sufficient on-site car parking and amenity space provision for the development.
- (4) No development shall take place until details and samples of all external facing, roofing and cladding materials, as well as details of glazing, rainwater goods, fascias, soffits and balcony railings have been submitted to and approved in writing by the Local Planning Authority. The development must then accord with these approved details. Reason: To ensure that the external appearance of the buildings are satisfactory
- (5) Details of the proposed treatment of the site boundaries, including the design and appearance of the boundary wall along the Hamble Lane frontage, must be submitted to and approved in writing by the Local Planning Authority and the approved measures must be implemented before occupation of the development. Reason: In the interest of amenity and to ensure that the appearance of the development is satisfactory.
- (6) Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water before the commencement of the development hereby permitted. The approved details shall be fully implemented before the building hereby approved is occupied. Reason: To ensure satisfactory provision of foul and surface water drainage.
- (7) No work shall commence on site until the following has been submitted to, and approved in writing by the Local Planning Authority: (a) Report of preliminary investigation comprising a Desk Study, Conceptual Site Model and Preliminary Risk Assessment documenting previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Reports Nos. 11 CLR11, and BS10175:2011 Investigation of potentially contaminated sites Code of Practice, and, unless otherwise agreed with the Local Planning Authority; (b) A report of a site investigation documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Preliminary Investigation in accordance with BS10175:2011 and BS8576:2013, and, unless otherwise agreed with the Local Planning Authority; (c) A detailed site specific scheme for remedial works and measures to be undertaken to avoid the risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works. Reason: In the interest of public safety and residential amenity

- (8) The development hereby permitted shall not be occupied/brought into use until there has been submitted to the local planning authority verification by the competent person approved under the provisions of the above condition 7(c) that any remediation scheme required and approved under the provisions of the above condition 7(c) has been implemented in full in accordance with the approved details (unless varied with the written permission of the local planning authority in advance of implementation).

Unless agreed in writing with the local planning authority such verification shall comply with the guidance contained in CLR11 and EA guidance for the safe development of housing on land affected by contamination - R&D Publication 66:2008. Typically such a report would comprise:-

(a) A description of the site and its background, and summary of relevant site information (b) A description of the remediation objectives and remedial works carried out (c) Verification data including - sample locations/ analytical results, as built drawings of the implemented scheme, photographs of the remediation works in progress, etc (d) Certificates demonstrating that imported and /or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the approved scheme under condition 7(c). Reason: In the interest of public safety and residential amenity

- (9) Double glazing to the following specification as outlined in the Noise report reference 14131/001/lwt, dated 14th March 2014; PVB laminated 6/12/10 with a minimal sound insulation of 38dB Rw, should be fitted to the facades that front Hamble Lane, unless otherwise agreed with the Local Planning Authority. The development must accord with this approved details. Reason: In the interest of residential amenity.
- (10) No external plant or extraction equipment shall be installed or used without the prior written consent of the Local Planning Authority. Any external plant designed for use in connection with the building must have provided with it the sound mitigation measures necessary to ensure that the amenity of occupiers of neighbouring premises is protected. Reason: In the interest of residential amenity
- (11) No development shall start until a Code for Sustainable Homes level 4 interim stage certificate and sustainability report demonstrating how all of the essential requirements of the Eastleigh Borough Council adopted Supplementary Planning Document 'Environmentally Sustainable Development' are to be met has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the development meets the requirements of the adopted Supplementary Planning Document 'Environmentally Sustainable Development'
- (12) The apartments shall not be occupied until a Code for Sustainable Homes level 4 final stage certificate and sustainability report highlighting how all of the essential requirements of the Eastleigh Borough Council adopted Supplementary Planning Document 'Environmentally Sustainable Development' have been met has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development meets the requirements of the adopted Supplementary Planning Document 'Environmentally Sustainable Development'.

- (13) Before the development commences, or by such later date as the Local Planning Authority may determine, a landscape scheme comprising planting and details of hard surfacing must be submitted to, and approved in writing by the Local Planning Authority. Such a scheme must include a planting specification and schedule, and shall indicate the position, size, number, planting density and species of shrubs and trees. A seed or turf specification must be provided for areas to be grassed. The planting scheme must include details of phasing, timing and provision for management and maintenance during the first five years from the date of planting. Reason: To ensure that the appearance of the development is satisfactory.
- (14) The landscape scheme must be completed within 12 months from the completion of the building shell, or by such later date as the Local Planning Authority may determine. Any trees or plants which die, are removed or become seriously damaged or diseased during the first five years must be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. Reason: To ensure that the appearance of the development is satisfactory.
- (15) Before any equipment, materials or machinery are brought onto the site for the purposes of development, a pre-commencement site meeting between the Tree Officer, Arboricultural Consultant and Site Manager shall take place to confirm the protection of trees on and adjacent to the site in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by Ian Keen Limited, ref: IJK/8085/WDC dated 1st February 2013. The tree protection shall be positioned as shown on the Tree Protection Plan, ref.8085/02 before any equipment, materials or machinery are brought onto the site for the purposes of the development. The tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the written consent of the Local Planning Authority. This condition shall not be discharged until an arboricultural supervision statement, the contents of which are to be discussed and agreed at the pre-commencement meeting, is submitted to and approved in writing by the Local Planning Authority on completion of development.
- (16) No construction or demolition work shall start until a Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved method statement which shall include:
- a) a programme and phasing of the demolition and construction work, including car parking and landscaping;
 - b) location of temporary site buildings, compounds, construction material and plant storage areas used during demolition and construction;
 - c) the arrangements for the routing / turning of lorries and details for construction traffic access to the site;
 - d) the parking of vehicles of site operatives and visitors;

- e) measures to control the emission of dust and dirt generated by demolition and construction;
- f) a scheme for controlling noise and vibration from demolition and construction activities (to include piling);
- g) provision for storage, collection, and disposal of rubbish from the development during the construction period;
- h) measures to prevent mud and dust on the highway during demolition and construction;
- i) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- j) temporary lighting;
- k) protection of pedestrian routes during construction;

Reason: To limit the impact the development has on the amenity of the locality.

- (17) No construction or demolition work must take place except between the hours 0800 to 1800 Mondays to Fridays or 0900 to 1300 on Saturdays and not at all on Sundays or Public Holidays. Reason: To protect the amenities of the occupiers of nearby dwellings.
- (18) No burning of materials obtained by site clearance or from any other source is to take place on this site during the construction and fitting out process. Reason: In the interests of amenity.
- (19) No development shall start until full and final details of the vehicular access and emergency access, [including any footway and verge crossing and visibility splays] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved details have been fully implemented [unless otherwise agreed in writing by the Local Planning Authority]. Reason: To ensure satisfactory vehicular access.
- (20) The development hereby permitted must not be brought into use until the areas shown on the approved plan for the parking of vehicles shall have been made available, surfaced and marked out, and the areas must be retained, including those areas marked out on the plan as being unallocated, and reserved for that purpose at all times. Reason: In the interests of highway safety/amenity.
- (21) No apartment shall be occupied until the mobility scooter store and level access to it has been provided, as shown on the approved plans for the parking, storage and recharging of mobility scooters shall have been made available and fully functioning. This store and its access must then be retained and reserved for that purpose at all times. Reason: In the interests of accessibility and amenity
- (22) No development shall commence on site until such time as the details for the highway improvement and access works on Hamble Lane, including the pedestrian refuge crossing point, as shown indicatively on drawing 034.0032.100 P7 have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Authority. There shall be no occupation of the site for the purposes pursuant to the planning permission until such time as the works have been completed to the written satisfaction of the

Local Planning Authority. Reason: In order to ensure the access proposals are safe and appropriate.

Note to Applicant: Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult with Southampton Airport before erecting a crane in close proximity to the aerodrome.

Note to Applicant: It is considered that, subject to compliance with the conditions and any obligations attached to this permission, the proposed development is acceptable because it will not materially harm the character of the area, the amenity of neighbours or highway safety and it is in accordance with the policies and proposals of the development plan, as listed below, and after due regard to all other relevant material considerations including the National Planning Policy Framework and the emerging draft Eastleigh Borough Local Plan [2011 - 2029] the local planning authority is of the opinion that permission should be granted.

The following development plan saved policies and emerging draft local plan policies are relevant to this decision and the conditions attached to it:

Eastleigh Borough Local Plan Review 2001-2011, saved Policies 25.NC, 28.ES, 30.ES, 31.ES, 33.ES, 34.ES, 35.ES, 37.ES, 45.ES, 59.BE, 72.H, 74.H, 100.T, 101.T, 104.T, 147.OS, 190.IN & 191.IN].

Pre-submission Eastleigh Borough Local Plan 2011-2029 Policies [DM1, DM2, DM3, DM5, DM7, DM8, DM9, DM23, DM24, DM25, DM28, DM35 & DM37].

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Under the Town and Country Planning [England] Regulations 2012, a fee is now required for Discharge of Condition Applications. N.B. Conditions not fully discharged, invalidate the planning permission.

This application has been referred to committee because it is for major development and is controversial.

Introduction

1. This is a full application that seeks permission to construction a three storey block of apartments to accommodate 26 units of accommodation (10no. two bed and 16no. one bed) with ancillary residents lounge, laundry room, guest suite, refuse and scooter storage and parking following demolition of the Harrier Pub, adjoining dwelling no.68 Hamble Lane and business premises at 70 Hamble Lane. A new access would be created on to Hamble Lane leading to

20no. unallocated parking spaces and a new electricity substation provided to the front of the site. The formal garden area is to the rear and would comprise of a mix of formal borders, lawn paths and a seating area. New tree planting is proposed adjacent to the car park and along the frontage of the site.

2. The applicant is McCarthy & Stone and the development would form Category II Accommodation (Later living) designed for the more independent older person who wishes to live in their own apartment around a core of communal facilities. The site is supervised by a house manager and occupation is controlled through a lease. The lease requires the accommodation to be occupied by persons over 60 years of age. In the case of a couple one of the occupants is to be over the age of 60 years old and the other is over the age of 55 years. From an assessment of their own developments, McCarthy & Stone have advised between 60 – 70% of residents are aged 78 years or more with about 30% aged 80 years or more. The vast majority of residents are widowed or single (85 – 90%).
3. The existing access points in to The Harrier site would be stopped up and a new pedestrian crossing refuge is to be provided adjacent to the front entrance to offer a more direct route to Coronation Parade, the local shopping parade.
4. The application is a detailed scheme which is supported with the following documents;
 - Design and Access Statement
 - Planning Statement
 - Valuation report on The Harrier Inn.
 - Affordable Housing Report
 - Transport Statement
 - Contaminated land desk study
 - Code for sustainable homes pre-assessment report
 - Noise assessment
 - Extended Phase 1 habitat survey
 - Tree survey
 - Desktop drainage report

The site and surroundings

5. The application site consists of three elements. Firstly, the Harrier Inn, a predominantly chalet style property located centrally within the site behind an open car park and small grass verge. The pub garden is small but lawned and dominated by large trees along the northern boundary with no.74 Hamble Lane and the properties along Sydney Avenue. Between the pub and no. 74 is a small single storey business unit (current vacant) on which consent has been granted for the construction of a two storey dwelling. To the south of the site is the existing two storey dwelling at 68. Hamble Lane, which is typical in appearance to a number of properties along Hamble Lane with its hipped roof and bay features. The garden has been left unkempt and is overgrown with various outbuildings located along the boundary with no.66 Hamble Lane.

Combined, the site makes up a prominent corner position on the entrance in to Hamble. Overall the development area is 0.30ha, relatively level and has no designated assets or features within its boundaries.

6. Hamble Lane is a distributor road serving as the primary means of access to the village of Hamble-le-Rice. At the point it passes the site, it is subject to a 30mph speed limit with on road parking restrictions in place. There are footpaths on both sides of Hamble Lane with an uncontrolled pedestrian crossing point to the north and south of the site. Directly opposite is Coronation Parade, a parade of 10 units including two convenience stores, a post office, takeaways, an estate agents and a hairdressers. To the north of the site is Sydney Avenue, a residential road with two storey semi-detached properties backing on to the site and other Hamble Lane properties.

Relevant planning history

7. No relevant history for the Harrier but land at 72 Hamble Lane has permission for a 3 bedroom dwelling permitted. August 2012 (F/12/70950).

Representations received

8. At the time of writing the report 25 letters objection have been received on the following grounds;
 - loss of community facility (pub, meetings, used by elderly, at western end of village, shouldn't cater for just yachting community)
 - Alternative pubs are not within walking distance
 - A viable business
 - Harrier caters for the Hamble Community to the west whilst the other pubs are more tourist and yachting community
 - loss of history and historic building
 - loss of 10 jobs
 - Unsustainable amount of development within the Hamble area
 - Visual impact, three storey is out of keeping,
 - Over development
 - Overlooking of properties to the rear and north
 - Residential amenity undermined – noise/disturbance from proposed car park use, deliveries,
 - Where adjacent to no.66 Hamble Lane – visually overbearing, disturbance from servicing an car movements, loss of value
 - Where adjacent to 74 Hamble Lane – visually intrusive, loss of light, too close to boundary (not a landscaped gap as described in statement), visually dominant, inaccurate plans as extension at 74 not shown on the plans, overlooking,
 - Sufficient accommodation for the elderly in Hamble and many are vacant
 - Highways – congestion, dangerous access/egress, speeding traffic exceed 30 mph.
 - Highways (for residents) – dangerous to cross the road
 - Noisy location for care home

- Planning Statement ignores the LDF, local planning policy and core strategy with particular reference to affordable housing and sustainable construction.
 - "Fall back" position as a Tesco store would be of greater benefit to community than the retirement homes.
 - Insufficient doctor facilities in Hamble
 - Cumulative with previous discussions for back land development between Hamble Lane/Sydney Ave
9. A petition of 650 signatures has been received objecting to the development.
10. A single letter of support has been received stating;
- The accommodation would be of greater benefit to area than a pub
 - The pub has deteriorated with no investment and limited usage.

Consultation responses

11. **Head of Regeneration and Planning Policy** - A policy objection is raised. Having assessed the information relating to the viability of the existing pub use and the strength of the current market for converting/replacing pubs with retail uses, the initial policy objection to the principle of the proposed development remains. However, it is noted that para 14 of the NPPF indicates that where the development plan is out-of-date (as in this case) permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework. If officers are persuaded that, in any event, there is a risk that the pub will be lost to a retail use, and this is a material consideration, then you may decide that the benefits of granting planning permission for the proposed residential use outweigh the adverse effects (loss of the community use).
12. **Head of Transportation and Engineering** - no objection to principle subject to this being an elderly persons' accommodation. If however the apartments are simply flats but for the over 55's who have 13 years of working left until pension age with independent units of accommodation, these would be flats and an objection would be raised. As elderly persons accommodation, 20 parking spaces are acceptable. Cycle parking should be at 1 space/unit but the buggy store and refuse store are acceptable. Officers should explore relocating the central refuge as part of access revisions to provide direct link to shops. The footpath to frontage should be a constant width with at least 3.5m clearance from the kerb edge to the wall. The access appears acceptable but sight line visibility drawing is required as it seems the northern part of the building may obstruct visibility. No contributions are required as the amount of trips would be reduced compared to the public house.
13. Formal comments of the amended site plan are awaited once the agreed pedestrian refuse point is added.
14. **Head of Housing and Environmental Health** - No objection raised subject to conditions on contaminated land, noise, submission of a construction

management plan and a restriction on external plant being provided without the prior written approval of the local planning authority.

15. **Head of Housing** – No objection in principle. A provision of 35% affordable housing is required (9 units) but in the light of viability issues associated with the ongoing management/servicing/costs a financial contribution would be acceptable in this instance. The borough's principal valuer will need to provide advice on a suitable level of contribution.
16. **Tree officer** – No objection subject to a conditions requiring an on-site meeting prior to commencement of works and for the works to be in accordance with the Arboricultural Impact Appraisal and Method Statement
17. **Borough Principal Valuer** – The pub valuation is a reflection of the poor state of the pub market, especially those that are mostly wet trade, therefore I agree with their opinion on the market value of the existing use as £250k. However, in the light of the permitted development rights to convert the pub into a convenience store, it is this latter use which forms the basis of the residual land value of £740k. I am satisfied with the rental value information provided in respect to a food store. Furthermore, the market is seeing strong demand from the food operators for the convenience store format so it is reasonable to assume one of them, such as Tesco, would take a lease on the pub site. The comparable information provided supports this.
18. **Hamble PC** – No objection but feel strongly that there is inadequate on-site parking provision in the plan. Regarding highway issues the Council feel that there may be a need for a pedestrian crossing to take account of the increased local population
19. **Biodiversity officer** – A holding objection has been raised pending submission of additional information as highlighted by the Phase 1 Habitat Survey. Bats - the phase 1 survey recommends further roosting and activity surveys however there is no evidence that these surveys have been completed. These investigations will need to be undertaken before planning permission is granted. Great Crested Newts - However to ensure that great crested newts are not present, we agree with the recommendations within the Phase 1 Habitat Survey that the Habitat Suitability Index of the pond should be assessed and provided before planning permission is granted. Reptiles - The rear of the garden of number 72 is dominated by bramble, garden spoil and waste could provide hibernacula for common reptiles such as slow worm and common lizard. We advise that a presence/ absence survey is undertaken in these areas. Others species – welcome the inclusion of bird nesting features and general comments on landscaping and biodiversity enhancements. A contribution is required towards the Solent Disturbance Mitigation Project to offset the cumulative impact of new development on the SPA.
20. **Natural England** – No objection in principle subject to securing £172/unit through the s106 and put towards identified projects to manage impact from recreational use of Special Protection Areas (SPA).

21. Policy context: designation applicable to site

- Within Built-Up Area Boundary
- Within Established Residential Area

22. Development plan saved policies, emerging local plan policies and SPD's

Revised Draft Eastleigh Borough Local Plan 2011-2029

- 28.ES – waste collection
- 30.ES – noise sensitive developments
- 31.ES – designing out noise impact
- 33.ES – air quality
- 34.ES – Reduction in carbon emissions
- 35.ES – contaminated land
- 36.ES – lighting and design
- 59.BE – general design criteria
- 63.BE – car park design
- 74.H – affordable housing
- 100.T – development to be well served by sustainable forms of transport
- 101.T - development to provide contributions towards sustainable transport.
- 102.T – development to provide safe accesses
- 104.T - parking to adoptable standards
- 147.OS – requires on site provision of public open space.
- 165.TA – percent for art
- 185.IN – loss of an established community facility is resisted unless suitable alternative provision is made or existing facility is surplus to requirements.
- 190. IN – only permitted where adequate services and infrastructure are available or can be provided.
- 191. IN – arrangements have been made to either provide or contribute towards essential infrastructure.

Strategic policies

- S1 – sustainable development
- S2 – promotion of new development
- S6 – community facilities
- S7 - transport infrastructure
- S8 – footpath, cycleway, bridleway links
- S11 – nature conservation

Development Management Policies

- DM1 – criteria for new development
- DM2 – environmentally sustainable development
- DM3 – low carbon energy
- DM5 – sustainable surface water management
- DM7 – pollution

- DM8 – public utilities and communications
- DM9 - biodiversity protection
- DM23 – transport – general development criteria
- DM24 – parking
- DM25 – residential development in urban areas including accommodation specifically designed for older people.
- DM28 – affordable housing
- DM33 – new and enhanced recreation and open space facilities
- DM37 – funding infrastructure

Supplementary Planning Guidance: Residential Amenity in the Borough of Eastleigh

- Environmentally Sustainable Development (March 2009)
- Quality Places (November 2011)
- Residential Parking Standards (January 2009)
- Affordable Housing (July 2009)
- Housing Mix (February 2003)
- Planning Obligations (July 2008, updated 2010)
- Accommodation for Older People and Those in Need of Care (May 2011)

National Planning Policy Framework (NPPF) (Material Planning Consideration)

The NPPF, published in March 2012, replaced the majority of previous national policy documents (Planning Policy Guidance and Planning Policy Statements) and constitutes a significant material consideration which must be taken into account. The NPPF sets a presumption in favour of sustainable development, a so-called “golden thread” running through the NPPF policies. For decisions on planning applications this means approving development proposals which accord with the Development Plan without delay; or where the development plan is absent, silent, or relevant policies are out-of-date granting planning permission unless the adverse impacts of the development would outweigh the benefits, or specific policies in the Framework indicate development should be restricted. The transitional period provided by the NPPF has now come to an end which means that local plan policies that do not accord with the NPPF are now deemed to be “out-of-date”. The NPPF requires that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In other words, the closer the policies in the plan accord to the policies in the Framework, the greater the weight that may be given.

Relevant paragraphs in the NPPF include the following:-

- Para. 6 – purpose of planning system is to deliver sustainable development
- Para. 7 – three dimensions of sustainability to be sought jointly – economic (supporting economy and ensuring land availability), social (providing housing, creating high quality environment with accessible local services);

environmental (contributing to, protecting and enhancing natural, built and historic environment)..

- Para. 14 – presumption in favour of sustainable development.
- Para. 17 – sets out 12 core planning principles, including principle that planning should be plan-led, enhance places in which people live, to proactively drive sustainable economic development, support low carbon technologies, promote mixed use, manage patterns of growth, deliver sufficient community
- Para. 30 – encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
- Para. 34 – development that creates significant movement should be located where the need to travel will be minimised and use of sustainable modes of transport can be maximised.
- Para. 36. All developments that generate significant amounts of movement should be required to provide a Travel Plan.
- Para. 47 – local plans to boost supply of housing to meet full objectively assessed needs of market and affordable housing; to identify key sites which are critical to the delivery of the housing strategy, identify and update specific deliverable sites to provide five years supply of housing.
- Para. 49 – housing applications to be considered in the context of the presumption in favour of sustainable development. Policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five year supply of deliverable housing sites.
- Para. 56 – requirement for good design.
- Para. 58 – policies and decisions should aim to ensure developments establish a strong sense of place; optimise the potential of the site; respond to local character and history; create safe and accessible environments; are visually attractive as result of good architecture and appropriate landscaping.
- Para. 60 – policies and decisions should not attempt to impose architectural styles or particular tastes. It is proper to seek to promote or reinforce local distinctiveness.
- Para. 61 – securing high quality and inclusive design goes beyond aesthetic considerations. Planning decisions should address the connections between people and places and the integration of new development into the natural built and historic environment
- Para 69 – decisions should aim to achieve places which promote meetings between members of the community, safe and accessible environments and developments containing clear and legible pedestrian routes, high quality public space which encourages the active and continual use of public areas.
- Para. 70 – decisions should plan for the provision and use of shared space, community facilities etc. and ensure an integrated approach to the location of housing and other uses.
- Para.73 – Access to high quality open spaces and recreation can make an important contribution to the health and well-being of communities. Information gained from assessments should determine what open space, sports and recreational provision is needed.
- Para. 103 – ensure flood risk is not increased elsewhere.

- Para. 109 – seeks to minimise impacts on biodiversity and protect unacceptable levels of soil, air, water or noise pollution and remediating contaminated land where appropriate.
- Para. 118 – decision should aim to conserve and enhance biodiversity
- Para. 120 – Decisions should ensure that sites are suitable for its new use taking into account ground conditions, any pollution from former activities and any pollution to general amenity.
- Para. 121 – ensure site is suitable for its new use in terms of ground conditions, land stability etc.
- Para. 123 – avoid, mitigate and reduce noise which gives rise to significant adverse impacts on health and quality of life.
- Para. 124 – planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account AQMAs and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in AQMAs is consistent with the local air quality action plan.
- Para. 152 – LPAs should seek opportunities to achieve each of the dimensions of sustainable development and net gains across all three.
- Para. 182 – Test of soundness of emerging local plans
- Para 203 - LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
- Para 204 – obligations should only be sought where they are necessary, directly related, related fairly and reasonably in scale and kind to the development.
- Para. 215 – Weight to existing relevant local plan policies according to the degree of consistency with the Framework.
- Para 216 - decision-takers can give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency to the relevant policies in the emerging plan to the policies in the NPPF.

National Planning Practice Guidance (March 2014)

- Transport – supports the provision of Transport Assessments where a Local Planning Authority makes a judgement as to whether a proposal would generate significant amounts of movement.
- Design – Good quality design is an integral part of sustainable development. Achieving good design is about creating places, buildings or spaces that work well for everyone, look good, will last well and adapt for the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use over the long as well as the short term.
- Contamination – With outline applications, Local Planning Authorities need to be satisfied that they understand the contaminated condition of the site and that the development proposed is appropriate as a means of remediation and

it has sufficient information to be confident that it will be able to grant permission in full at a later stage bearing in mind the need for the necessary remediation to be viable and practicable.

- Biodiversity – Local Planning Authorities should take into consideration various publications when taking biodiversity into account and should look for net gains. Sufficient information should be sought through ecological surveys etc.
- Water quality – advice given re the EU Water Framework Directive and the requirement to, amongst other things, prevent deterioration of aquatic ecosystems and protect, enhance and restore water bodies to 'good' status.
- Noise – potential noise impact needs to be addressed and opportunities taken to achieve improvements to the acoustic environment to ensure no unacceptably adverse impact.

Assessment of proposal: Development plan and / or legislative background

23. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states : "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The development plan in this case comprises the saved policies of the Eastleigh Borough Local Plan Review 2001-2011, and the Hampshire Minerals and Waste Plan (adopted October 2013), although the MWP is not relevant to this site. The Revised Pre-submission Eastleigh Local Plan 2011-2029 has completed its fourth round of public consultation and is to be submitted to the Inspectorate shortly. Although not considered at inquiry to date, the plan and its policies can be afforded some weight by virtue of its consistency with the NPPF and the extensive consultation that it has gone through.
24. In terms of "other planning considerations", the National Planning Policy Framework constitutes a very significant material consideration

The Principle of Development

25. The Harrier Inn falls within the definition of a community facility as set out in the adopted local plan. Operating on a reduced cost lease, the pub serves the local community as a wet trade (drink) and dry trade (food) establishment. It offers further community benefits in the form of a meeting place, function and fund raising venue and provides a personal takeaway service including home delivery if an elderly patron is unable to get to the facility. It's the only pub on this western side of Hamble with other facilities being 1km away in the village centre. Significant local opposition to the development has been raised including the submission of a 650 signature petition. It would not be unreasonable to conclude that to those residents that frequent the Harrier it is considered the hub of the community organising events, fund raisers and providing a meeting/eating place for many locals on a daily basis.

26. The loss of community facilities is contrary to saved policy 185.IN and emerging policy DM35 unless there is suitable alternative provision made or if there is surplus of such facilities. Neither of these "caveats" is applicable in this instance and as such a policy objection has been raised to the principle of the loss of pub by the Head of Regeneration and Planning Policy.
27. However, regard has to be had to other material considerations including the fall-back position i.e. would could be happen if the proposed development were not approved as well as the NPPF presumption in favour of sustainable development, especially in the absence of an up-to-date adopted local plan. In instances such as this, a balanced and informed opinion needs to be reached taking in to account the benefits and the impacts of the development.
28. Under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2005, national planning policy allows for the change of use of a pub (use class A4) to a shop (A1), financial or professional services (A2) or restaurant/café (A3) without needing to submit a planning application. Due to the size of the site, the Harrier is unlikely to be an attractive option for a financial or professional service operator, but it could attract interest if marketed from the restaurant trade. However, the greatest interest for a change of use would be likely to be from a food store operator and evidence has been presented demonstrating significantly greater value in the site if leased to a food store operator than if it is retained as a pub. Furthermore, there is a significant market interest in such change of uses with the owners of the site (Enterprise Inns) having sold or let 30 public houses to convenience store operators nationwide. Specific evidence on the viability of the existing business has not been provided apart from details of a significantly reduced lease arrangement. However, this is somewhat academic when considering the value of the site as a wet trade community pub (£250K) against its value as a site for a convenience store (£740K). In the light of the above, it is reasonable to assume that the long term operation of the pub is not guaranteed if this proposed development were to be refused. This is a significant material consideration.
29. The pub is of architectural interest but is not listed nor does it appear on the register of locally listed buildings, therefore the principle of demolishing the building is not unacceptable. Similarly, there is no policy objection to the loss of the dwelling (no.68) or the small business premises (no.70).
30. The site is in a sustainable location, being within the urban edge, on a bus route and close to local shops. Emerging policy DM25 recognises the need for elderly persons' accommodation within the Hamble peninsula and states "The development of residential accommodation specifically designed for older people, and those in need of specialised residential care services, will be encouraged in sustainable locations within the urban edge, particularly in or close to local centres". This sits comfortably with provisions of the NPPF and as such the principle of elderly persons apartments on this site is acceptable and accords with national and local policy.

Environmental Sustainability

Form, Layout and Design

31. The site itself is relatively free from physical constraints apart from the trees within the pub garden and adjacent to the commercial premises. It does however abut two storey dwellings and is located on a prominent corner on the entrance in to the village of Hamble-le-Rice. Hamble Lane is a busy road and the frontage of the site is convex, thus sight lines are affected by the geometry of the road.
32. The existing buildings due to their scale, height and separation from the highway by a car park offer limited presence within the streetscene. The frontage is very open and somewhat different in appearance to the more enclosed leafy characteristic of Hamble Lane. The proposed building responds to this character through siting it further forward such that it is 2 – 4m from the widened cycleway/footpath with trees added to the verge. The massing of the building is significantly greater than any other building at this end of Hamble and could be considered out of scale with other developments nearby. However, the wings of the building step down to reflect the height of the neighbouring properties and have hipped roofs to provide visual separation from the domestic houses on either side. The core of the building increases to three storey (11m in height compared to the existing height of 7.5m) but with the articulation to the roof form, the use of gables, balconies and varying materials, the building the scale of the building is considered appropriate for this corner location and responds to the developments around it. Although obvious when approaching the site from Kings Avenue and Coach Road, the building would be very well screened when approaching from the north due to the tree lines avenue and located behind housing when from the village. Of importance is the inclusion of a front entrance providing an active frontage to the site, whilst the boundary wall with railings is set behind a grass verge offers an attractive interaction with the public realm.
33. The site is accessed from a single point positioned to ensure that sightline requirements are met and the site is accessed and egressed in a safe manner. The car parking is located primarily to the rear of the site and would have limited impact on the public views of the development.
34. A new electricity substation is required to service the site and amended plans have been sought to reposition it away from the front boundary to avoid obstruction of the sightlines when vehicles are egressing the drive at no.66 Hamble Lane.
35. On balance, the scheme is considered to be acceptable in its design, scale and form is accords with adopted policy 59.BE, emerging policy DM1 and paragraphs 58 – 61 of the NPPF.

Residential amenity

36. Within the development itself all of the necessary residential amenity requirements set out in the 'Quality Places' SPD are met. The site layout and elevational configurations raise no issues in terms of loss of privacy, light and outlook. Amendments were negotiated to ensure that where unacceptable levels of overlooking were experienced balconies have been omitted, rooms reconfigured and windows omitted. The building is of sufficient distance from the neighbouring properties that a loss of light would not be experienced, whilst amendments reducing the scale of the building from three to two storeys on the wings ensure the building would not be visually dominant when viewed from adjoining properties. At 4m, apartments 6 and 16 are close to the boundary with no.74; however, the hipping of the roof and stepping back of the first floor element results in a satisfactory relationship between the two buildings. Furthermore, the dwelling that has permission to the rear of no.72 would be in a more prominent location being set further back in to the site.
37. Amendments have been sought to detail a new wall along the side of no.66 to protect the side elevation of the dwelling from noise and disturbance, along with a new close barded fence and retention of landscaping at the upper most end of the car park to protect the outlook and privacy of the occupiers of the adjoining dwelling. Although the building would be highly visible, the retention of the oak tree on the northern boundary will soften views of the building from Sydney Avenue.
38. The proposed amenity space is small but is to be landscaped and have seating provided, with most apartments having balconies offering more private amenity space. No objection has been raised by the Head of Housing and Environmental Health to the impact from traffic noise subject to suitable conditions. Therefore in terms of residential amenity, the application is considered to be acceptable and meets the requirements of the Council's 'Quality Places' SPD, saved Policy 59.BE of the adopted local plan and DM1 of the emerging local plan.

Access proposals, traffic impact and sustainable modes of transport

39. The application is supported by a traffic assessment which concludes there would be a marked reduction in traffic movements compared to that that could be generated by the pub. The existing trip generation would amount to 167 daily trips compared to 45 daily movements with the later living apartments, with only 6% of these being experienced during the AM and PM peak periods. The reduction in movements would have a positive impact on the traffic on Hamble Lane and reduce disturbance to neighbouring properties.
40. The access is a bellmouth arrangement and of sufficient width for two cars to pass and provides sufficient visibility splays in either direction to reflect the actual surveyed speed of traffic using Hamble Lane. For 26 apartments 20 unallocated parking spaces are proposed in accordance with the adopted borough adopted parking standards. Transport surveys undertaken by McCarthy & Stone at their sites demonstrates an average car ownership for occupants of similar developments to be 0.35 cars per 1 bed apartment and 0.39 cars per 2 bed apartment. This would equate to only 10 spaces, thus the

proposed 20 spaces are acceptable in real terms as well. With only one manager on site during normal business hours there is not a requirement for extensive staff parking to be provided, as such the development meets the needs of its occupants, staff and visitors.

41. The Head of Transportation and Engineering has suggested a cycle parking space per unit should be sought but evidence provided of other McCarthy and Stone sites suggest on average only one apartment would have a cycle, which is a reflection of the average of residents (78 years old). It would appear excessive and unnecessary to require a separate cycle store of such scale that it could accommodate 26 cycles. However, the buggy store is of sufficient size that cycles could be stored in there without the need for a separate cycle store if residents wished.
42. With a new pedestrian refuge in Hamble Lane being provided there is direct access to the local shopping parade, whilst bus stops, the railway station and the village centre is in close proximity making this a highly sustainable location. The refuge is considered to be a safe crossing point. The footpath to the front is to be widened to provide a consistent width of 3m to facilitate the piecemeal improvements to Hamble Lane in accordance with policy requirements.
43. The development of the site for the retirement apartments is not considered to result in any adverse impact to the operation of the existing highway network and is considered acceptable in terms of the proposed means of access and highway safety issues, as well as providing improved pedestrian and cycle. The proposals are therefore considered to comply with the guidance contained in saved policies 59.BE, 100.T, 102.T and 191.IN of the adopted local plan and emerging policies DM1, DM23, DM24 and S7.

Ecology and trees

44. The application is supported by an extended phase 1 habitat survey which has identified the site has potential to be utilised by protected species such bats, great crested newts, slow worms and reptiles. The LPA have a duty to ensure neither the habitat or the protected species are injured, harmed or killed and as such has sought further evidence in the form of a bat survey, a statement on assessing the site for reptiles, slow worms and great crested newts. The planning application cannot be supported until this information is provided and assessed, as such the recommendation to approve is subject to the receipt and assessment of further information. Members will be updated verbally on this issue at committee.
45. Within the site there are a number of small palms, ash and holly trees as well a larger oak and sycamore tree. Apart from the oak tree in the rear garden of the pub, tree survey has classified all trees within the site as category C i.e. they are not worthy of retention and can be removed to facilitate development. The proposed plans show the retention of the oak tree, and also make provision for additional tree planting both along the frontage and within the amenity areas. Negotiations are ongoing with the applicant to secure the retention of the existing holly along the boundary with no.66 and provide additional planting

along this boundary. The tree officer has raised no objection to the felling of trees within this site.

46. Natural England has stated that there is the potential for an adverse impact to the Solent and Southampton Water Special Protection Area, due to increased recreational pressures and disturbance. Appropriate mitigation measures are therefore required which in this instance can take the form of developers' contributions towards the Solent Disturbance Mitigation Project. The applicant has indicated they are willing to accept this requirement, which will be secured via a S106 agreement.
47. Overall, subject to receipt of the further ecological information and conditions securing the delivery of the required mitigation measures and the required developers' contributions outlined above, the principle of residential development on this site is considered acceptable and in line with the guidance contained in saved policies 22.NC, 25.NC and 26.NC of the adopted Local Plan and policies S11 and DM9 of the emerging local plan

Drainage and flood risk

48. The application site lies within Flood Zone 1 which is considered to have a low risk of flooding and the Desk Top Drainage Assessment demonstrates that the development would not increase the risk of flooding elsewhere, subject to the implementation and management of a Sustainable Urban Drainage System. With regards to foul drainage the assessment proposes to connect in to the existing public foul drainage system, with the option of providing a new connection if the current arrangements are found to be insufficient. These details can be secured via a condition should approval be granted.

Sustainability measures

49. The application is accompanied by a sustainability statement which includes a pro-forma stating how the development could meet the requirements of the adopted Environmentally Sustainable Development SPD, including residential development meeting the required Code for Sustainable Homes threshold.

Economic Sustainability

50. In regards to the economic role of development, the NPPF requires "sufficient land of the right type to be available in the right places to build a strong, responsive and competitive economy".
51. The construction industry contributes to economic sustainability and the proposed development of 26 apartments would deliver some local construction employment, whilst the new population would support local businesses. Once operational, the site would have a manager on site during office hours and a small group of cleaning staff, but generally would not create high levels of employment. Balanced against this is the loss of the pub which employs 6 people whose jobs would be lost if the pub were to close. However, there is no guarantee the pub will remain open if this development were to be refused. On

balance, the economic sustainability would remain neutral and would neither deliver a positive benefit or negative impact in the local employment base or local economy.

Social Sustainability

52. In accordance with saved policy 190.IN of the local plan development is only to be permitted where adequate services and infrastructure are available or suitable arrangements can be made for their provision. Where facilities exist but will need to be enhanced to meet the needs of the development, contributions are sought towards provision and improvement of infrastructure. The applicant has agreed to the principle of the contributions sought, although the final Section 106 agreement would not be completed until after any resolution to grant permission.

Housing mix, deliverability, affordable housing and infrastructure

53. The proposal would deliver 26 apartments which would make a small, but valuable contribution to the housing supply within the borough. These units have not be included within calculations to determine the borough's 5 year housing land supply and as such would be considered a windfall site.
54. As a C2 use class, each apartment would be occupied as independent units of accommodation and would trigger the need to provide 35% affordable housing (9 no. units) in accordance with Saved Policy 74.H of the adopted Local Plan and Policy DM28 of the Revised Pre-submission Local Plan. It is not feasible to provide affordable apartments managed by a social housing provider within the same block as a private retirement development due to the prohibitive management and maintenance costs. Neither does the site lend itself to smaller block of retirement apartments to be provided plus a separate affordable block. In such cases a contribution is secured to the off-site provision of affordable housing elsewhere within the borough. The applicant has agreed to this and in accordance with the advice from the borough's principal valuer, the development is willing to make a contribution of £178,000. This approach is supported by the Head of Housing Services.
55. The emerging local plan has highlighted the need to deliver more housing for the elderly within the peninsula of Hamble, and this scheme would respond to an identified need.

Community facilities

56. The applicants are required to make provision for increased capacity at community buildings, playing fields, areas of off-site public open space etc. within the local area, to meet the increased demand for these facilities arising from the proposed development.
57. The proposal includes a small amount of private on-site amenity space areas but further contributions would be required to public open space which would be of benefit to the residents of the site. Contributions would be secured through

the s106 agreement to provide and maintain the open space and community facilities in accordance with relevant adopted policies and the adopted SPD on Planning Obligations.

Planning Obligations/development benefits

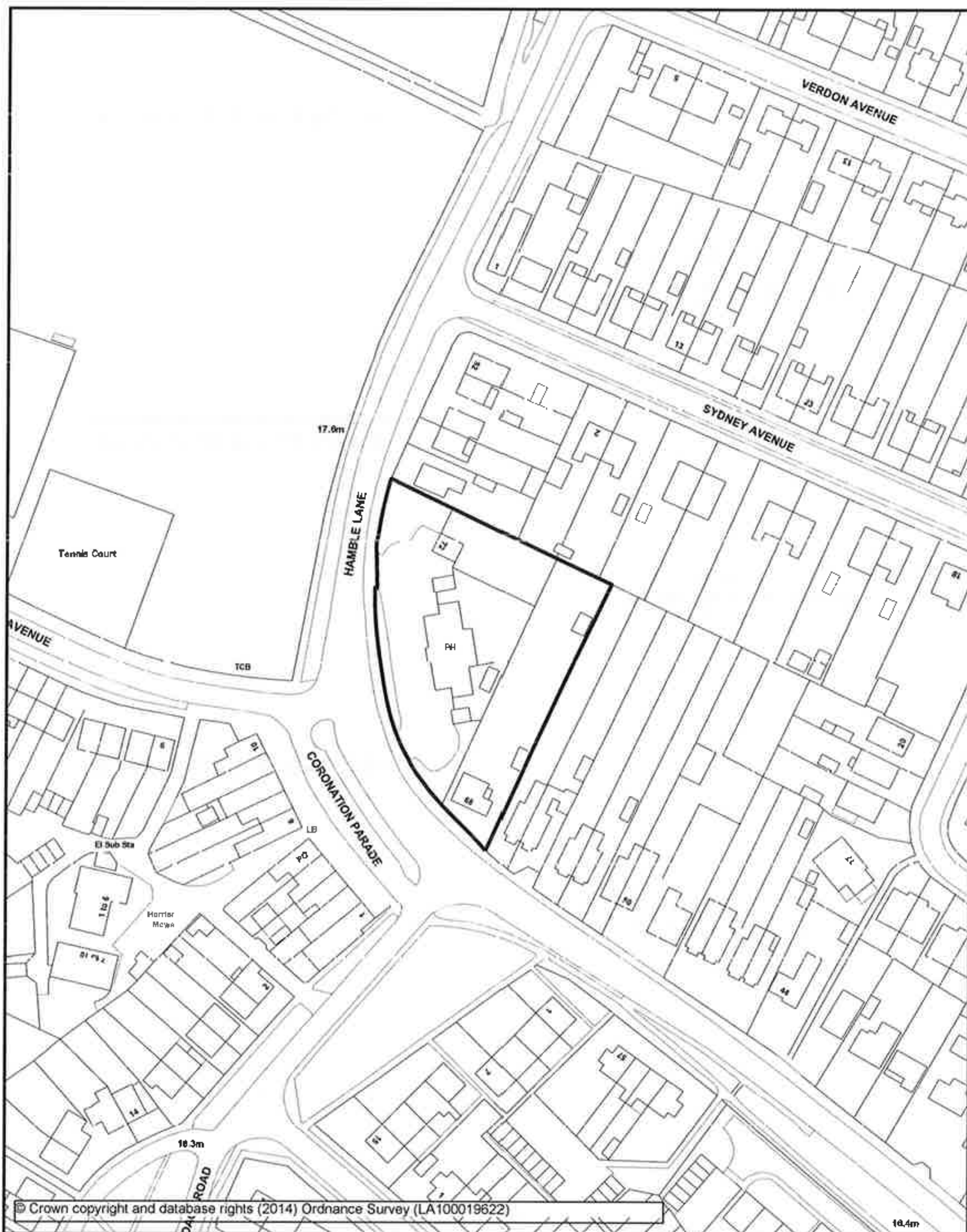
58. In accordance with the guidance contained within the NPPF, Saved Policies 74.H, 101.T, 147.OS and 191.IN of the adopted Eastleigh Borough Local Plan Review (2001-2011), Policies DM32 and DM37 of the emerging Local Plan 2011-2029, the Council's 'Planning Obligations' SPD and the requirements of Regulation 122 of the Community Infrastructure Regulations, there is a requirement for developers' contributions to ensure on and off-site provision for facilities and infrastructure made necessary by the development, or to mitigate against any increased need/pressure on existing facilities. This is in addition to the requirement of securing a contribution towards the off-site provision of affordable housing. A viability assessment for the Harrier Inn has been provided as well as a residual value statement, which demonstrates the scheme can meet the required contribution levels with the provision of a contribution towards off-site affordable housing.
59. The applicant has agreed in principle to contribution of £239,500 and obligations:
- Off-site public open space contributions
 - Contribution in lieu of 35% on-site affordable housing
 - Public art provision
 - Community Infrastructure
 - Solent Disturbance Mitigation and Protection
 - Section 106 monitoring
 - Provision of a pedestrian refuge on Hamble Lane.
60. The projects and measures identified above are considered to comply with the 3 tests set out in Regulation 122 of the Community Infrastructure Levy 2010, in that the monies will go towards the projects which are directly related to the development, and are fairly and reasonably related in scale and kind to the proposed development. The contributions would be index-linked to ensure the contributions rise in line with the costs of providing the identified projects/measures. The obligations sought are necessary to make the development acceptable in planning terms and to meet the needs generated by the new residents and the potential impact on existing services and facilities.

Conclusion

61. The NPPF seeks to significantly boost the supply of housing and, this proposal would go some way to achieving that. From the above assessment, the development would provide private housing for the elderly and make contributions towards off-site affordable housing provision and secure funding to improve local infrastructure. The construction process would deliver a small number of employment opportunities whilst once fully occupied the

development would add a small injection in to the local economy through the residents using local services and facilities.

62. Balanced against this regard must be given to the impacts of the development. Most notably, the closure of the Harrier Inn would result in the loss of a community facility and the only pub outside of the village centre. It would also result in 6 members of staff losing their job. However, there is no guarantee that the pub would remain open if this scheme was not approved and there is a realistic likelihood that the site would be changed to a convenience store for which planning permission is not required. If this were to happen the shops within the local centre opposite would almost certainly lose trade.
63. This proposed development engages the presumption in favour of sustainable development, unless the adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies, in particular paragraph 14. Having had regard to the proposed scheme, and subject to suitable ecological assessments being provided, it is considered that the benefits of the scheme are significant and are not demonstrably and significantly outweighed by the impacts, and permission subject to conditions and completion of a section 106 legal agreement is recommended.



EASTLEIGH
BOROUGH COUNCIL

Title:

Scale:
1:1250
Map Ref:
SU4707SW
Date:
30/06/2014

